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15 Wilshire Associates Incorporated

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

1 THE TIMKEN COMPANY, as fiduciary)
2 of THE TIMKEN COMPANY)
3 COLLECTIVE INVESTMENT TRUST)
4 FOR RETIREMENT TRUST, THE)
5 TIMKEN COMPANY PENSION PLAN,)
6 THE 1984 RETIREMENT PLAN FOR)
7 SALARIED EMPLOYEES OF THE)
8 TIMKEN COMPANY, THE TIMKEN-)
9 LATROBE-MPB-TORRINGTON)
10 RETIREMENT PLAN AND THE)
11 TIMKEN COMPANY PENSION PLAN)
12 FOR BARGAINING UNIT)
13 ASSOCIATES IN LOCAL 1645,)
14)
15 Plaintiff,)
16)
17 vs.)
18)
19 WILSHIRE ASSOCIATES)
20 INCORPORATED,)
21)
22 Defendant.)
23)
24)

Case No. CV12-07446 JFW (AGRx)

**JOINT STIPULATION FOR
SUMMARY JUDGMENT BRIEFING
SCHEDULE**

Date: March 18, 2013

Time: 1:30 p.m.

Dept: 16

Judge: Hon. John F. Walter

1 Whereas The Timken Company has sued Wilshire Associates Incorporated in the
2 above referenced action (“Timken Action”), for allegedly breaching its fiduciary duty
3 under ERISA;

4 Whereas Wilshire has sued Federal Insurance Company in the related action
5 captioned *Wilshire Associates Incorporated v. Federal Insurance Company*, Case No.
6 CV12-7105 JFW (AGRx) (“Wilshire Action”), seeking a declaratory judgment that
7 Federal has no standing to sue Wilshire as a subrogee of Timken;

8 Whereas Wilshire filed motions for summary judgment in the Wilshire and
9 Timken Actions on Monday, January 14, 2013 setting a hearing for February 11, 2013;

10 Whereas Timken’s and Federal’s papers opposing those motions therefore were
11 due on January 18, 2013;

12 Whereas Timken’s and Federal’s lead counsel is on vacation and asserts that
13 Timken and Federal would have been unable to properly oppose the motions by
14 January 18, 2013;

15 Whereas extending Timken’s and Federal’s time to oppose the motions would
16 have resulted in Wilshire’s reply being due during Wilshire’s counsel’s vacation,
17 unless Wilshire’s reply deadline was similarly extended;

18 Whereas Timken’s and Federal’s counsel has informed Wilshire’s counsel that
19 Timken and Federal agree to an extension of time for Wilshire to file its reply briefs;

20 Whereas Wilshire has temporarily withdrawn its motions for summary judgment
21 based on the parties’ agreement that Wilshire will re-file the motions on or before
22 January 28, 2013 and that the parties will seek Court approval of a briefing schedule
23 providing that the opposition briefs be due on February 11, 2013, that the reply briefs
24 be due on March 4, 2013, and that a hearing be held on March 18, 2013, or as soon
25 thereafter as is convenient for the Court.

26 It is hereby Stipulated and Agreed, and subject to Order by the Court, that
27 Wilshire shall re-file its summary judgment motions in the Wilshire and Timken
28 Actions on or before January 28, 2013, that the opposition briefs to Wilshire’s motions

1 for summary judgment shall be due on February 11, 2013, that the reply briefs shall be
2 due on March 4, 2013, and that a hearing shall be held on March 18, 2013, or as soon
3 thereafter as is convenient for the Court.

4 **IT IS SO STIPULATED.**

5 DATED: January 18, 2013

6 McKOOL SMITH HENNIGAN, P.C.

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8 By /s/ Caroline M. Walters

9 J. Michael Hennigan
10 Lauren A. Smith
Michael Swartz
Caroline Walters

11 Attorneys for Defendant
12 Wilshire Associates Incorporated

13 DATED: January 18, 2013

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15 -AND-

16 GARTENBERG GELFAND HAYTON &
17 SELDEN LLP

18

19 By /s/ Joel H. Rosner

20 Joel H. Rosner

21 Attorneys for Plaintiff The Timken Company